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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,204	03/02/2004	Kevin Keith Line	05918-361001	1992
26161	7590	05/05/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			THOMAS, ALEXANDER S	
			ART UNIT	PAPER NUMBER

1772

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/791,204	LINE ET AL.	
	Examiner	Art Unit	
	Alexander Thomas	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-118 is/are pending in the application.
- 4a) Of the above claim(s) 31-93 and 102-118 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 94-101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449, or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/7, 7/22 & 11/15/05, 3/06 & 4/06</u> | 6) <input checked="" type="checkbox"/> Other: <u>IDS 3/20/06 & 4/17/06</u> |

DETAILED ACTION

Election/Restrictions

1. Claims 31-93 and 102-118 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the replies filed on 1/9/06 and 4/14/06.

Claim Objections

2. Claim 26 is objected to because of the following informalities: there is no antecedent basis for the term "the male fastener elements". If the dependency of this claim is changed to depend on claim 25, this objection would be overcome. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 18-20, 24-28, 94, 95, 97 and 100 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimamura et al ('230). See Figure 2, the Example and the Abstract.
5. Claims 1, 3-6, 9-11, 15, 17-19, 24, 94, 95, 100 and 101 are rejected under 35 U.S.C. 102(b) as being anticipated by Northrup et al ('414). See Figure 1, column 3, lines 8-33, column 4, lines 48-52 and column 5, lines 1-2. Layer 22 in the reference can be considered an array of fastening elements.
6. Claims 1, 2, 17-21, 23-28, 94, 95, 97, 98 and 100 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Billarant 2004/0128804. See Figure 1 and the Abstract.
7. Claims 1, 3-7, 9, 15, 17, 23-28, 94, 95 and 100 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Morse et al ('649). See column 2, lines 29-44 and Figure 4.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 14-17, 21-23, 29, 30, 96, 98 and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimamura et al ('230). The reference discloses the invention substantially as claimed; see Figure 2, the Example and the Abstract.

However, the reference does not disclose the claimed shape of ferrite containing layer, sizes of various parts of the fastener, the claimed rigidity of the selvedge portions, the density of the fastener elements or selvedges on all sides of the fastener. It is well-known in the mold-in, seat fastener art to provide a metal wire or strips, as well as metal particles in a binder, on a mold-in fastener to provide a means of holding the fastener in a mold during molding of a foam seat cushion. It would have been obvious to one of ordinary skill in the art to substitute a wire or metal strip for the metal-particles/binder in the reference's article in view of the structural equivalence of using these materials. Concerning the size and density of the various parts of the claimed fastener, it would have been obvious to one of ordinary skill in the art to adjust the size of the various parts of the fastener in the reference as well as the density of the fastener elements to provide a fastener with the desired optimum properties for a particular end use. Concerning claim 23, it is well-known in the mold-in, seat fastener art to provide selvedges on all sides of an array of fastener elements, and therefore, it would have been obvious to one of ordinary skill in the art to provide selvedges on all sides of the fastener elements in the product of the reference depending on the shape of the mold recess into which the fastener is held during molding. It would also have been obvious to one of ordinary skill in the art to adjust the depth of the grooves 5 in the reference's article to provide the desired degree of flexural strength in the selvedges in view of the disclosure at column 6, lines 39-53.

10. Claim 101 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimamura et al in view of Northrup et al (414). The primary reference discloses the

invention substantially as claimed; see Figure 2, the Example and the Abstract.

However, it does not disclose a film with the claimed softening point disposed on the upper surface of the fastener. The secondary reference discloses the use of a PVC film on the upper surface of a mold-in fastener to protect the fastener elements. It would have been obvious to one of ordinary skill in the art to provide a PVC film on the upper surface of the fastener elements in the primary reference in view of the teachings in the secondary reference as an additional means of protecting the elements from foam incursion during molding.

11. Claims 13, 14, 16, 22, 29, 30, 96, 99 and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Billarant 2004/0128804. The reference discloses the invention substantially as claimed; see Figure 1 and the Abstract. However, the reference does not disclose the claimed shape of ferrite containing layer, sizes of various parts of the fastener, the claimed rigidity of the selvedge portions, the density of the fastener elements or selvedges on all sides of the fastener. It is well-known in the mold-in, seat fastener art to provide a metal wire or strips, as well as metal particles in a binder, on a mold-in fastener to provide a means of holding the fastener in a mold during molding of a foam seat cushion. It would have been obvious to one of ordinary skill in the art to substitute a wire or metal strip for the metal-particles/binder in the reference's article in view of the structural equivalence of using these materials. Concerning the size and density of the various parts of the claimed fastener, it would have been obvious to one of ordinary skill in the art to adjust the size of the various parts of the fastener in the reference as well as the density of the fastener elements to

provide a fastener with the desired optimum properties for a particular end use. It would also have been obvious to one of ordinary skill in the art to adjust the flexibility of the base layer in the reference to provide the desired degree of flexibility.

12. Claims 10-14, 16, 18-22, 29, 30 and 96-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morse et al ('649). The reference discloses the invention substantially as claimed; see column 2, lines 29-44 and Figure 4. However, the reference does not disclose the claimed shape of ferrite containing layer, sizes of various parts of the fastener, the claimed rigidity of the selvedge portions, the density of the fastener elements or selvedges on all sides of the fastener. It is well-known in the mold-in, seat fastener art to provide a metal wire or strips, as well as metal particles in a binder, on a mold-in fastener to provide a means of holding the fastener in a mold during molding of a foam seat cushion. It would have been obvious to one of ordinary skill in the art to substitute a wire or metal strip for the metal-particles/binder in the reference's article in view of the structural equivalence of using these materials.

Concerning the size and density of the various parts of the claimed fastener, it would have been obvious to one of ordinary skill in the art to adjust the size of the various parts of the fastener in the reference as well as the density of the fastener elements to provide a fastener with the desired optimum properties for a particular end use. It would also have been obvious to one of ordinary skill in the art to adjust the flexibility of the base layer in the reference to provide the desired degree of flexibility.

13. Claims 7, 8, 14, 16, 20, 21, 23, 25-30, 96 and 97-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Northrup et al. The reference discloses the invention

substantially as claimed; see Figure 1, column 3, lines 8-33, column 4, lines 48-52 and column 5, lines 1-2. However, the reference does not disclose the claimed shape of ferrite containing layer, sizes of various parts of the fastener, the density of the fastener elements or selvages on all sides of the fastener. It is well-known in the mold-in, seat fastener art to provide a metal wire or strips, as well as metal particles in a binder, on a mold-in fastener to provide a means of holding the fastener in a mold during molding of a foam seat cushion. It would have been obvious to one of ordinary skill in the art to substitute a wire or metal strip for the metal-particles/binder in the reference's article in view of the structural equivalence of using these materials. Concerning the size and density of the various parts of the claimed fastener, it would have been obvious to one of ordinary skill in the art to adjust the size of the various parts of the fastener in the reference as well as the density of the fastener elements to provide a fastener with the desired optimum properties for a particular end use.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Thomas whose telephone number is 571-272-1502. The examiner can normally be reached on 6:30-4:00 M-THUR.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Alexander M. Trauer". The signature is written in a cursive, flowing style.